Order No. P. 4717—Legis. 24-37-1, dated Bangalore, the 10—14th February 1938.

Ordered that the accompanying Act further to amend the Minor Tank Restoration Act, 1916, which received the assent of His Highness the Maharaja, on the third day of February 1938, be published as Act No. VIII of 1938 in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT VIII OF 1938.

(Received the assent of His Highness the Maharaja on the third day of February 1938).

An Act further to amend the Minor Tank Restoration Act, 1916.

Whereas it is expedient to further amend the Minor Tank Restoration Act, 1916; It is hereby enacted as follows:—

1. In section 2 of the Minor Tank Restoration Act, 1916 (hereinafter referred to as the said Act), the words "whether situated in a Government or an alienated village," shall be added after the figure "1911".

2. After section 2 of the said Act, the following new section shall be added:—

"2A. 'Restoration' means restoring to an efficient condition a tank which, from neglect, accident or other cause, has fallen into disuse or become impaired or less efficient than formerly."

3. (1) After sub-section (2) of section 4 of the said Act, the following new sub-section shall be inserted:—

"(2-A) In the case of minor tanks situate in alienated villages, the cost of restoration shall, after deducting the raiyats' contribution under sub-section (2), be borne by the Government and the superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government."

(2) In sub-sections (3) and (4) of section 4 of the said Act, the words and figure " or sub-section (2-A) " shall be inserted after the words and figure " sub-section (2) ".

MIRZA M. ISMAIL,
Dewan.

Order No. P. 4651 *Legis.* 22-37-1, *dated Bangalore,* 10*th February* 1938.

Ordered that the accompanying Code of Civil Procedure (Amendment) Act of 1938 which received the assent of His Highness the Maharaja, on the fourth day of February 1938, be published as Act No. IX of 1938 in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

ACT IX OF 1938.

(Received the assent of His Highness the Maharaja on the fourth day of February 1938.)

An Act further to Amend the Code of Civil Procedure, 1911.

Whereas it is expedient further to amend the Code of Civil Procedure, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short Title

1. (*a*) This Act may be called the Code of Civil Procedure (Amendment) Act of 1938.

(*b*) It shall extend throughout the State of Mysore.

(*c*) It shall come into force from first July 1938.

Addition of Proviso to section 51.

2. To section 51 of the Code of Civil Procedure, 1911 (hereinafter referred to as the said Code), the following proviso shall be added, namely :—

" Provided that where the decree is for the payment of money, execution by detention in prison shall not be ordered unless, after giving the judgment-debtor an opportunity for showing cause why he should not be committed to prison, the Court for reasons recorded in writing, is satisfied—

(*a*) that the judgment-debtor, with the object or effect of obstructing or delaying the execution of the decree,—